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File Number:

April 18, 2025

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VIA ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

**RE: Joint Letter-Motion for Adjournment of Initial Pretrial Conference and
Associated Deadlines in *Peary v. DC Comics, et al.*, No. 1:25-cv-00910-JMF**

Dear Judge Furman:

Plaintiff Mark Warren Peary and Defendants DC Comics Inc.; DC Comics; DC Entertainment; and Warner Bros. Discovery, Inc. (collectively, “DC,” and together with Peary, the “Parties”) jointly move for an adjournment of the initial pretrial conference and related deadlines, pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Local Civil Rule 7.1(e), and Paragraphs 2(D) and 4(A) of Your Honor’s Individual Rules and Practices in Civil Cases.

Peary filed his Complaint against DC on January 31, 2025. On February 28, 2025, Peary filed a Motion for Preliminary Injunction, with briefing to be completed April 21, 2025. On March 5, 2025, DC filed a Motion to Dismiss Plaintiff’s Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, to Transfer Venue, which is fully briefed.

The Parties’ next scheduled appearance before the Court is an initial pretrial conference, set for May 13, 2025, at 9:00 a.m., with a joint letter and Civil Case Management Plan and Scheduling Order due May 8, 2025 (Dkt. No. 18). The Parties are also obligated to hold a Rule 26(f) conference at least 21 days before the initial pretrial conference, i.e., by April 22, 2025, pursuant to Federal Rule of Civil Procedure 26(f)(1).

At DC’s request, the Parties made one previous request for adjournment of the initial pretrial conference, from April 29, 2025 to May 13, 2025, which the Court granted (Dkt. No. 18).

In view of the Parties’ motions pending before the Court, DC has requested, and Peary has agreed, that the Parties seek an adjournment of the initial pretrial conference. As with the briefing schedule concerning the above-mentioned motions, DC has agreed not to count any

incremental delay caused by the requested adjournment of the initial pretrial conference against Peary in connection with Peary's pending preliminary injunction motion.

For the reasons stated above, the Parties have agreed to jointly request an adjournment of the initial pretrial conference until June 24, 2025 at 9:00 a.m., with a joint letter and Civil Case Management Plan and Scheduling Order due June 18, 2025. The Parties believe the requested adjournment would serve the interests of party and judicial efficiency, without materially altering the timeline for resolution of this case.

The Parties respectfully request the following deadlines be set:

- Initial pretrial conference: June 24, 2025 at 9:00 a.m.
- Joint letter and Civil Case Management Plan and Scheduling Order due: June 18, 2025

Respectfully submitted,

Dated: April 18, 2025

O'MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli

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Dated: April 18, 2025

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